THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14680 of 2007

Dated:10.07.2007

Between:

Byramoni Krishnaiah, S/o.Narayana.

…Petitioner

and

The District Collector, Mahabubnagar, and others.

…Respondents

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ORDER:

The petitioner claims to be the owner of land admeasuring Acs.5.00 in Survey No.227 situated at Madhurapur Village of Farooqnagar (Shadnagar) Mandal in Mahabubnagar District. He alleges that he purchased the land under registered sale deed dated 19.05.1982. Subsequently, he sold an extent of Acs.2.00 of land from out of Survey No.227 to one Nakkala Govardhan under registered sale deed dated 26.12.1997. He got employment, and therefore, shifted his residence to Hyderabad. He leased out the land admeasuring Acs.3.00 to the fourth respondent, who is father of Nakkala Govardhan, to whom the petitioner had sold the land admeasuring Acs.2.00. When the fourth respondent stopped paying the lease amount, the petitioner approached the third respondent and came to know that the fourth respondent managed to get his name mutated in respect of the land admeasuring Acs.3.00 in Survey No.227 by claiming that he purchased the property under Document No.1511 of 1993, dated 07.07.1993. He approached the third respondent and obtained certified copy of the mutation proceedings in File No.C/3441/1994, dated 03.07.1994. In this Writ Petition the petitioner seeks a writ of mandamus declaring the proceedings of the third respondent dated 03.07.1994 granting mutation to the fourth respondent as illegal and arbitrary.

The Writ Petition is filed with a delay of about thirteen years.

When this was pointed out, the learned Counsel for the petitioner submits that the petitioner was not even given notice as required under the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 (for short 'the Rules'), and therefore, the delay is not a bar to seek invalidation of the impugned proceedings. **Opposing** the Writ Petition, at the admission stage, the learned Assistant Government Pleader for Revenue (General-T) submits that a notice under Rule 19(1) of the Rules in
Form-VIII was issued, which was also received by the petitioner. He has produced a copy of the said notice along with the signature of the petitioner on the reverse of it, which would show that the Writ Petition is filed making false allegation that he was not given any notice. The copy of the said notice, which is placed before this Court, is made part of the record.

Therefore, the Writ Petition cannot be entertained. If so advised, the petitioner may file a revision petition before the Joint Collector under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

10.07.2007
vs